



CADPAC Certification Sub-committee

Minutes May 2, 2003

Members present: Hon. James Detamore, Penny Waggy, Art Kozumplik, Debra Farmer, Dean Wilson, Victor Parker, Steve Snyder, Marshall Crawford

Staff: Lori Amsbury, Bill Carey, Mary Kay Hudson, Cheri Harris

Guest: Susan Allen

Judge Detamore opened the meeting and welcomed the members. Judge Detamore welcomed back some members who had not attended the last few meetings and indicated there are two new members. Marshall Crawford from Warren/Fountain counties is attending his first meeting today, and Scott Kruse will be starting at the next scheduled meeting.

Minutes were approved by the chair with a correction that Cheri Harris was in attendance at the February 7, 2003 meeting. Bill mentioned that the draft minutes from each meeting will be put on the website and will remain a draft until approval at the following meeting. The committee stated that would be a good tool for the committee's use.

CSAMS

Penny Waggy presented a synopsis of the public comment from April 2003 as well as copies of the individual written comments received at the time of public comment. Bill also provided a background paper summarizing the events surrounding CSAMS. Lori stated that Jane requested a cost analysis and survey of current program salaries for the CADPAC and Board meetings. The committee reviewed all comments and discussed the following issues:

1. Vic asked what our legal situation is with regard to professional licensing statutes in Title 25 of the Indiana Code. The response from Cheri and Bill was that court programs have never come under Title 25 because it does not fall within the scope of the provided services. Cheri indicated that last time this issue was brought up was in reference to the term "case management". That was dispelled, and now the argument is the term "assessment". She suggested we revise the definition of "assessment" in our rules. The

committee agreed the term assessment should be revised in the new rules to clarify the purpose within the scope of court program services. Penny asked if this will appease ICAADA. Steve stated he thinks they will continue to challenge the issue.

2. Marshall Crawford has some concerns about the lack of knowledge throughout the state regarding the purpose and scope of court programs in general. Staff indicated that education is being done with DMHA and individuals as the opportunity arises.
3. With regard to testing, the issue was discussed that criminal justice is a “whole different ballgame” than tests that focus in counseling competency. It was brought up to look at a specialized test for those that have some expertise in one area or another. The committee was reminded of their stance in past meetings on this subject—that they wanted everyone to take a complete test. The committee revisited this issue and decided that their stance remains the same. Dean indicated that he had done some research on the ICAADA test for their criminal justice certification. He stated that the domains for the test are very much counseling domains including Domain #6, entitled Counseling. He stated the test goes far beyond the scope of services that court programs provide or directors and judges will want for their staff. Dean still does not understand where ICAADA is getting that court programs do counseling. There is a precedence set with ICAADA for specialized testing with the Certified Prevention Specialist.
4. Steve indicated concern that Staff Orientation will be required for support staff. He suggested the possibility of making staff orientation mandatory for professional staff only. After discussion, the committee made a motion to change the requirement to professional staff and put support staff in the commentary.

Motion: To amend Section 30(c) of the proposed CSAMS draft to read as follows:

30(c). All professional staff members hired after June 30, 2004, including Program Directors, must attend a staff orientation provided by the Indiana Judicial Center within one year of the date the staff member was first employed.

Commentary for 30(c). Administrative staff are strongly encouraged to attend staff orientation provided by the Indiana Judicial Center.

The motion by Art Kozumplik and Deb Farmer was unanimously approved by the committee.

5. In section 30(b)(4)(A), the language suggests that a person may substitute a probation officer certificate for the criminal justice training requirement. The committee decided to add language to clarify that a person must be a current probation officer.

Motion: To amend Section 30(b) of the proposed CSAMS draft to include language that states a person must hold a probation officer certificate “and have attended probation officer orientation” to substitute for the criminal justice training requirement.

The motion by Steve Snyder and Dean Wilson was unanimously approved by the committee

6. There are a variety of accrediting bodies available for colleges and universities that could include an internet degree. Cheri stated the Board of Directors of the Judicial Conference asked the probation committee to determine a specific accrediting body that would be acceptable. The committee decided to parallel probation on this issue and incorporate language into the draft using the same accrediting body as probation.

Motion: To authorize staff to make the sentence in (b)(1) consistent with probation language regarding the accreditation of colleges.

The motion made by Dean Wilson and Art Kozumplik was unanimously approved by the committee.

7. There has been an issue in the past where a judge hired and fired probation officers regularly to get around the six month requirement of being certified as a probation officer. Cheri suggested adding the word “first” in the Section 30(c) phrase “before date of hire” to read “before date of first hire” so there is not an opportunity for this or similar issues to arise again.

Motion: To amend Section 30(c) of the proposed CSAMS draft to read “before the date of first hire”.

The motion made by Deb Farmer and Victor Parker was unanimously approved by the committee.

8. The committee wanted to acknowledge the comment made during public comment testimony that some treatment providers may want to obtain the CSAMS credential and some court program directors and judges may require them to obtain the credential. The committee stated that Section 30(b) clearly states that the credential is only for court program employees.

After considerable discussion of all pertinent points, the committee made a final motion of approval.

Motion: To approve the CSAMS draft as amended and present the amended draft to CADPAC for approval at the May 30, 2003 meeting.

The motion by Penny Waggy and Dean Wilson was unanimously approved by the committee.

Rules Revision Sections 1-29

Lori provided a working draft for sub-committee review and use. The committee reviewed and discussed each proposed change. The committee approved without vote the proposed revisions with a few additions or exceptions as follows:

1. Section 14. Judge Detamore indicated that an in an informal hearing more evidence can be presented than in a formal hearing. He also brought up a theoretical problem. If 5 of the 7 judges on CADPAC are also on the board of directors, this poses a problem for the hearing officer selection. He suggested adding language to indicate if it is not possible to have 3 judges on CADPAC that are not on the board, then the Executive Director may add a past CADPAC judge to the list for consideration as a hearing officer. The problem lies in that board members may give deference to another board member and this may cause the hearing to be unfair.

2. Section 18. Lori indicated it is difficult to review this section because of the myriad of definitions that programs use for these terms. The committee decided to clarify through training or memo the terms already in the rules instead of revising the rule.
3. Section 19. Lori indicated it is difficult to review this section because there is no easy way to review “practice” of non-discrimination. The committee chose to add non-discrimination information to the orientation materials listed in Section 21. Each program will need to add this information to the written material given to the client at orientation if it is not already in their materials.
4. Section 32. To clarify the term “contractor” in this section, the committee decided to add the phrase “or any person providing services under the contract”. This would include staff members who are sub-contracting with a contractor providing education services to a program. The staff member may not provide education services as a sub-contractor.
5. Under the self-referral subsection in Section 32(c)(2)(B), there is some difficulty in implementation of the “72 hours” requirement. The committee requested that Cheri talk to Meg Babcock informally to find out if they can suggest that be an option for the clients as opposed to a requirement, so the clients can make a choice of a provider earlier if they choose to.
6. Add language to incorporate the Temporary Certification designation into the authorized draft.

The committee directed the staff to put the proposed changes and working draft into a draft that will be appropriate for public comment and program discussion. It is to be available by the end of May 2003.

Certification Status Update

Lori indicated there have been several Temporary Certifications recently because the first ten programs to be certified under the Indiana Judicial Center in 1999 are up for recertification and there have been several rules and process changes. Some of these programs are not updated to the current rules and the procedures are not in line with what is expected of programs. The committee directed staff to incorporate the Temporary Certification into the rules so it is a written procedure with some backing.

The next meeting is scheduled for Thursday, August 7, 2003 from 10 am – 3 pm at the Boone County Courthouse.

Judge Detamore adjourned the meeting.

Respectfully Submitted,

Lori Amsbury, Assistant Administrator
Court Alcohol and Drug Program
Indiana Judicial Center